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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/593,453

Filing Date: September 19, 2006

Appellant(s): WILLE ET AL.

Wille, Frank-Martin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/24/2009 appealing from the Office action mailed 05/29/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6275231	Obradovich	08-2001
2002/0015035	Inaba et al	02-2002

(9) Ground of Rejection

The following ground(s) of rejection are applicable to the appealed claims

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 2, 9 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by **Obradovich (Patent No.: 6275231)**.

OR

3. Claims **1-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Inaba et al (Pub. No.: US 2002/0015035)**.

Regarding claim 1: Obradovich discloses a control system for a motor vehicle with an output control for putting out an information item concerning the operation of the motor vehicle (display, see fig. 2 and col. 4, lines 18-50) and with a functional control (control subsystem, see at least col. 4, lines 51-56), separated the generation or supply of information concerning the operation of motor vehicle, wherein the output control comprises an information memory for the storage of information concerning the operation of the motor vehicle, whereby the information concerning the operation of motor vehicle is accessible from the information memory of the output control (see at least col. 4, lines 1-16).

Regarding claim 1: Inaba et al discloses a control system for a motor vehicle with an output control for putting out an information item concerning the operation of the motor vehicle (display unit, see fig. 1) and with a functional control (Ref. 12, Air conditioner control unit,

Engine system, etc), separated the generation or supply of information concerning the operation of motor vehicle, wherein the output control comprises an information memory for the storage of information concerning the operation of the motor vehicle, whereby the information concerning the operation of motor vehicle is accessible from the information memory of the output control (see at least fig. 1, paragraph 0004 and paragraph 0035).

Regarding claim 2: Obradovich discloses a control system according to claim 1, wherein the information concerning the operation of motor vehicle is accessible from the information memory and can be put out by the output control upon inquiry to put out the information concerning the operation of motor vehicle (**see at least Obradovich col. 4, lines 17-25**).

Regarding claim 3: Inaba et al discloses a control system according to claim 1, further comprising a communication link for transmitting the information concerning the operation of the motor vehicle from a functional control to the output control independent of a request to put out information concerning the operation of motor vehicle (**see at least Inaba paragraph 0038**).

Regarding claim 4: Inaba et al discloses a control system according to claim 3, wherein the information concerning the operation of motor vehicle is transmitted from the functional control to the output control responsive of a change concerning the operation of motor vehicle by functional control (**see at least Inaba paragraph 0038**).

Regarding claim 5: Inaba et al discloses a control system according to claim 3, wherein the information concerning the operation of motor vehicle is transmitted from the functional control to the output control after expiration of a selected time (**see at least paragraph 0042 and 0056**).

Regarding claim 6: Inaba et al discloses a control system according to claim 5, wherein by means of output control, one can monitor whether, within the selected time, the information

concerning the operation of motor vehicle was transmitted from the functional control to output control (**see at least paragraph 0013 and 0049**).

Regarding claim 7: Inaba et al discloses a control system according to claim 5, wherein the information concerning the operation of motor vehicle out of the information memory cannot be put out by output control when the information concerning the operation of motor vehicle was not transmitted within the repeat time or a time lapse from the functional control to output control, whereby the time lapse is longer than the repeat time (**see paragraph 0049 and 0086**).

Regarding claim 8: Inaba et al discloses a control system according to claim 1, wherein the output control comprises a display for the optical illustration of the information concerning the operation of motor vehicle (**see at least fig. 1**).

Regarding claim 9: Obradovich et al discloses a control system according to claim 1, wherein the output control comprises an input device for the purpose of putting in a request for putting out and/or for optical illustration of the information concerning the operation of motor vehicle (**see at least Obradovich col. 4, lines 17-25**).

Regarding claim 1: Inaba et al discloses a Motor vehicle, comprising a control system according to claim 1 (**see at least fig. 1**).

Claims 11-16 are rejected using the same prior art and same rationales as claims 1-10.

(10) Response to Arguments

The examiner summarizes the various points raised by the appellant and addresses them individually.

As per appellant's arguments filed on 11/24/2009, the appellant argues:

Argument 1: Appellant argues "by dropping all argumentation regarding Obradovich and focusing only on Inaba, the Advisory action mailed 09/10/2009, seems to acknowledge Obradovich fails to disclose the claimed invention..

In response to Argument 1: The examiner respectively disagrees. In the office action, claim 1 was rejected using both Obradovich and Inaba under 35 U.S.C. 102(b). Also, in the Advisory action mailed 09/10/2009, examiner stated "**at least** Inaba discloses applicant arguments". Nowhere in the Advisory action or previous actions has examiner admit that Obradovich fails to disclose claim 1. Therefore, applicant failed to response to examiner rejection using Obradovich.

Argument 2: The prior arts do not disclose nor suggest "the output control to include an information memory for the storage of information concerning the operation of the motor vehicle, whereby the information concerning the operation of the motor vehicle is accessible from the information memory of the output control," as recited in claim 1.

In response to Argument 2: The examiner respectively disagrees. Obradovich discloses a display and memory. The display displays various vehicle functions. This information are stored and retrieve from the memory. Obradovich discloses security data, personal preference data may also be stored in memory 603. The personal preference data contains information regarding the user preferred settings of the doors, locks, windows, engine, performance profiles, climate control, audio system and other vehicle functions (see col. 12, lines 12-17). Also, Obradovich discloses Processor 13 stores the received personal preference data in memory 107. Base on such received data, processor 103 affects the preferred vehicle setting to personalize the

vehicle functions (see col. 12, lines 44-48). In addition, Obradovich discloses that processor 103 stores expectation date received in memory 107. Alternatively, they may be stored in a secure storage such as a "black box" which would survive an accident involving the subject vehicle. In the event of an accident, the exception data would be retrievable for determination of any mechanical cause for the accident (see col. 13, lines 19-24).

Argument 4: Inaba does not disclose nor suggest "Inaba provides no indication that the values obtained from the sensor can or should be stored in ROM 2. Indeed, as would be apparent to a person having ordinary skill in the art that "ROM" refers to read-only memory, whose contents can be accessed and read but cannot be changed. Thus, information concerning the operation of the motor vehicle generated or supplied from a functional control could not be stored in ROM 2. Nor is the information concerning the operation of the motor vehicle accessible from ROM 2 ,," as recited in claim 1.

In response to Argument 4: The examiner respectively disagrees. Appellant is reminded to look at the reference as a whole. Inaba discloses in the case of car-running, the traffic information data is written into the memory, and when the running speed is not larger than a predetermined value, it is read out, and displayed (see paragraph 0004). Also, Inaba discloses the character-image signals DSP 1-DSP 5 are supplied from the interface circuit 13, these data are temporarily stored in a RAM 18 for character .cndot. image data, and the OS software 15a judges whether these temporarily stored character image signals DSP 1-DSP 5 correspond to the signal from anyone of warning control unit 1, air conditioner control unit 3,

meter control unit 5, engine system and mission system control unit 7, or air bag control unit 9 (at least see paragraph 0045 and 0046).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/H. A. A./

Examiner of Art Unit 3663

Conferees:

Thomas G. Black /tgb/

/Mark Hellner/

Primary Examiner, Art Unit 3663